

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

SCHNEIDER et al

Atty. Ref.: 620-190

Serial No.: 10/088,677

Group Art Unit:

Filed: May 31, 2002

Examiner:

For: USE OF REPLICATION-DEFICIENT ADENOVIRAL VECTOR TO BOOST  
CD8+T CELL IMMUNE RESPONSE TO ANTIGEN

\* \* \* \* \*

July 22, 2002

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

O I P E  
JUL 22 2002 JC  
PATENT & TRADEMARK OFFICE  
Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

The Notification dated May 22, 2002 indicates that the oath/declaration is now required. In fact, the oath/declaration was submitted May 31, 2002. A copy of the May 31, 2002 submission is attached, together with a copy of the postcard receipt evidencing its filing. A Notification of Acceptance referencing the May 31, 2002 completion date is requested.

Respectfully submitted,

**NIKON & VANDERHYE, P.C.**

By Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

RECEIVED

AUG 06 2002

TECH CENTER 1600/2900

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SCHNEIDER et al

Serial No. 10/088,677



Atty Dkt. 620-190

C# M#

532 Rec'd PCT/PTM 22 JUL 2002

Group Art Unit:

Examiner:

Filed: May 31, 2002

Date: July 22, 2002

Title: USE OF REPLICATION-DEFICIENT ADENOVIRAL VECTOR TO BOOST CD8+T  
CELL IMMUNE RESPONSE TO ANTIGEN

Assistant Commissioner for Patents

Washington, DC 20231

RECEIVED

AUG 06 2002

TECH CENTER 1600/2900

Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0	x \$ 18.00

\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0	x \$ 84.00

\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)		\$	0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)		\$	0.00
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Terminal disclaimer enclosed, add \$ 110.00		\$	0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)		\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed			
<input type="checkbox"/> Submission attached			

<b>Subtotal</b>	\$	0.00
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If "small entity," then enter half (1/2) of subtotal and subtract		-\$	0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith			

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)		\$	0.00
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Assignment Recording Fee (\$40.00)		\$	0.00
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Other:			0.00
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<b>TOTAL FEE ENCLOSED</b>	\$	0.00
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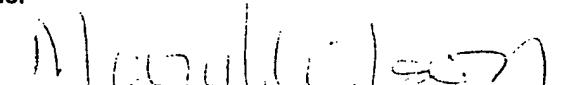
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

OF. M PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>620-190</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/088,677</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/GB00/03601</b>	INTERNATIONAL FILING DATE <b>20 September 2000</b>	PRIORITY DATE CLAIMED <b>21 September 1999</b>	
<b>LE OF INVENTION</b> <b>USE OF REPLICATION-DEFICIENT ADENOVIRAL VECTOR TO BOOST CD8+T CELL IMMUNE RESPONSE TO ANTIGEN</b>			
APPLICANT(S) FOR DO/EO/US <b>SCHNEIDER et al</b>			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>			
<b>Items 11 To 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information.</li> </ol>			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/088,677</b>	INTERNATIONAL APPLICATION NO. <b>PCT/GB00/03601</b>	ATTORNEY'S DOCKET NUMBER <b>620-190</b>																				
21. <input checked="" type="checkbox"/> The following fees are submitted:		<b>CALCULATIONS</b> PTO USE ONLY																				
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b> <ul style="list-style-type: none"> <li>- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1040.00</li> <li>-- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$890.00</li> <li>-- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO .....\$740.00</li> <li>-- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$710.00</li> <li>-- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00</li> </ul>																						
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$ 0.00																				
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$ 0.00																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>8</td> <td>-20 =</td> <td>X \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>2</td> <td>-3 =</td> <td>X \$84.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td></td> <td>\$280.00</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 0.00</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total Claims	8	-20 =	X \$18.00	Independent Claims	2	-3 =	X \$84.00	MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$280.00			<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																			
Total Claims	8	-20 =	X \$18.00																			
Independent Claims	2	-3 =	X \$84.00																			
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$280.00																			
		<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$ 0.00																			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		0.00																				
		<b>SUBTOTAL =</b>	\$ 0.00																			
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).		+ 0.00																				
		<b>TOTAL NATIONAL FEE =</b>	\$ 0.00																			
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property		+ \$ 0.00																				
Fee for Petition to Revive Unintentionally Abandoned Application (\$1280.00 - Small Entity = \$640.00)		\$ 0.00																				
		<b>TOTAL FEES ENCLOSED =</b>	\$ 0.00																			
		Amount to be: refunded \$ Charged \$																				
a. <input checked="" type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed.																						
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees.																						
A duplicate copy of this form is enclosed.																						
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A <u>duplicate</u> copy of this form is enclosed.																						
d. <input checked="" type="checkbox"/> The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.																						
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																						
SEND ALL CORRESPONDENCE TO:																						
NIXON & VANDERHYE P.C. 1100 North Glebe Road, 8 <sup>th</sup> Floor Arlington, Virginia 22201-4714 Telephone: (703) 816-4000 MJW:tat																						
		SIGNATURE																				
<u>Mary J. Wilson</u>		NAME																				
32,955		May 31, 2002																				
REGISTRATION NUMBER		Date																				



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,677	Schneider et al	620-190
DOCKETED		
Mary J wilson Nixon & Vanderhye P C 1100 North Glebe Road 8th Floor Arlington, VA 22201-4714	CLT/MATTER # <u>620-190</u> MAIL DATE <u>5-22-02</u> DUE DATE <u>July 22, 2002</u> FINAL DEADLINE <u>Dec 22, 2002</u> DOCKETED BY <u>Qasri M/S</u>	INTERNATIONAL APPLICATION NO. PCT/GB00/03601 I.A. FILING DATE 09/20/2000 PRIORITY DATE 09/21/1999 CONFIRMATION NO. 4825 371 FORMALITIES LETTER  *OC00000008161073*

Date Mailed: 05/22/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,677	PCT/GB00/03601	620-190

FORM PCT/DO/EO/905 (371 Formalities Notice)